

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barnes, Thomas M., et al. (as amended)
Application No.: 10/042,431 Group No.: 1652
Filed: October 25, 2001 Examiner: Nashed, Nashaat T.
For: NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC,
PREVENTIVE, THERAPEUTIC AND OTHER USES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction Requirement dated December 24, 2003, the claims of Group 25 (claims 19, 20, 22 and 28-30), drawn to a method of identifying a compound that binds to the polypeptide of SEQ ID NO's:47-52, respectively, are elected for prosecution with traverse. In order to be fully responsive, Applicants hereby elect to prosecute the claims drawn to a method of identifying a compound that binds to the polypeptide of SEQ ID NO:47, without prejudice to Applicants' right to pursue the non-elected subject matter in other applications in the event a generic claim is not found allowable

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

(type or print name of person certifying)

Date: January 26, 2004

FEE VALUE	
ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
50	1668
FEE	VALUE
CODE	FURNISHED
1201	172

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Applicants believe that the patentably distinct claims within the joined groups stand or fall together.

If the Examiner agrees to the proposed modification, Applicants elect the combined Groups 25 and 27. Claims readable thereon are claims 19, 20, 22 and 28-30 (now new claims 52-75), drawn to a method for identifying a compound that binds to or modulates the activity of the polypeptide of SEQ ID NOs:47 and 49.

This paper is being filed timely as no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

January 26, 2004

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By

Mario Cloutier

Mario Cloutier

Limited Recognition Under 37 C.F.R. §10.9(b)

40 Landsdowne Street

Cambridge, MA 02139

Telephone - 617-577-3522

Facsimile - 617-551-8820